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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,210	08/26/2003	Brian Scott Hallisey	200206455-1	1934

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INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER

AUGUSTINE, NICHOLAS

ART UNIT	PAPER NUMBER
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2179

NOTIFICATION DATE	DELIVERY MODE
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04/30/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/647,210	Applicant(s) HALLISEY ET AL.	
	Examiner NICHOLAS AUGUSTINE	Art Unit 2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 December 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

- A. This action is in response to the following communications: Appeal Brief Filed 02/11/2008. Prosecution is re-opened. This action is made **Non-Final**.
- B. Claims 1-25 remains pending.

C. In view of the Appeal Brief filed on 02/11/2008, PROSECUTION IS HEREBY REOPENED. A new grounds of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below.

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Uthe, Robert Thomas (Pub. No. US 2004/0212616 A1), herein referred to as "Uthe".

As for independent claim 1, Uthe teaches a method of using a Graphical User Interface (GUI) to display relationships amongst resources of a system, the method comprising: illustrating at least two overlapping but separate hierarchies in the same mosaic-like graphic (figure 1; par.18), each hierarchy representing one or more of the relationships amongst the resources (figure 2; par.19).

As for independent claim 18, Uthe teaches a method of displaying relationships amongst first, second and third types of resources of a system (figures 1, items 110 and 140; par.10 and 16), the method comprising: preparing a graphic of at least two separate but overlapping hierarchies such that viewing the graphic in a first direction

represents a first one of said separate but overlapping hierarchies in which ones of the first resource type report hierarchically to ones of the second resource type (par.19) the subsystems report hierarchically to the subsystems of the second resource type (par.17 and 19), and viewing the graphic in a second direction different from the first direction represents a second one of said separate but overlapping hierarchies in which ones of the first resource type report hierarchically to ones of the third resource type (par.21) and displaying the graphic (figure 1).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 2-17, 19-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uthe in view of Kanevsky et al (US 6,426,761 B1).

As for claims 2, 3, 6-17, 23 and 24 Uthe teaches the method of claim 1 (note the above analysis), wherein said resources are represented by icons and at least one resource occupies a rank in at least two of said overlapping but separate hierarchies (figures 4-5, wherein figure 4 shows a plurality of icons selectable by the user representing various information sources from various resources on a system) Uthe does not specifically mention that an icon can change size by system or user, however in the same field of endeavor Kanevsky teaches further comprising: sizing said icons in proportion to said at least one attribute of said represented resource (col.4, lines 14, 31, 38, 44,-46 and 51); wherein said at least one attribute is storage capacity (col.4, line 45). wherein said interaction results in a change in said at least one attribute of said represented resource (user interaction with the system will cause for icons to be displayed in the nature sought by end user or default manufacture as respected realized (col.4, line 15); and in response to said interaction, restructuring said first mosaic-like pane by at least re-sizing said icons proportional to a change in said at least one attribute of said represented resources (col.4, lines 14-15, 34, 45 and 51; wherein icons are changed dynamically changing criteria and explained further on a criteria can be the

size of the document, size being that of in memory hence footprint), compared to a footprint of said at least one attribute prior to said interaction (col.6, lines 34-37); displaying attributes of said represented resource (col.6, line 7); and receiving changes to said attributes (col.5, line 66 and col.6, line 25); illustrating said attributes in a pop-up window(col.5, line 66); receiving a user indication through a peripheral device (col.5, line 66); receiving an indication of a new relationship developed between a resource of the type represented in said second mosaic-like pane and the resources represented in said first mosaic-like pane (col.5, line 66 and col.4, line 14); and restructuring, in response to receiving said indication (col.6, line 7), said at least two overlapping but separate hierarchies and corresponding said first mosaic-like pane by at least re-sizing said icons proportional to a change in said at least one attribute of said represented resources (col.5, lines 1-5 (organizational structure) and col.4, lines 14, 31, 38, 44,-46 and 51), compared to a footprint of said at least one attribute prior to receiving said indication (col.6, lines 34-37); processing a drag-and-drop of at least one said independent icon from said second mosaic-like pane to said first mosaic-like pane (col.6, line 24); rejecting said processing of an invalid said drag-and-drop(col.6, line 35); displaying a pop-up window for receiving changes to said attributes (col.5, line 66); method of controlling the relationships amongst resources of a system (col.4, lines 54-55); manipulating a relationship of resources in said iconically illustrated system (col.4, lines 38); and re-sizing areas of, in response to said manipulating (col.4,line 43), the relative footprints of said icons according to an effect upon the corresponding resources, respectively, caused by the relationship manipulation (col.6, lines 25 and 33-

Art Unit: 2179

40). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Kanevsky into the teachings of Uthe to create the organizational structure as described above, this is true because Kanevsky's invention teaches the method and apparatus for generating graphical user interfaces for a variety of browser applications that organize icons, text, windows, etc into any arrangement best fit by the end user or manufacture default setting therein (col.3, lines 39-43), thus presenting an immediate relation to the teachings of Uthe's organization of icons/nodes of a hierarchy that show the relation of resources of a hierarchy, the end result is having a system that the user navigates through an organized structure that dynamically changes throughout time by certain criteria in the system featuring overlapping separate hierarchies presented in the same graphical manner/style.

As for dependent claims 4-5 and 25, Uthe does not specifically teach the arrangement of items in columns and rows however in the same field of endeavor as explained above Kanevsky does teach arranging said icons representing same type of resources into columns, wherein adjacent columns group different resources, and a row intersecting adjacent columns indicate relationships between particular resources of the respective column (column 5, lines 2-6; in such that the items presented to the user can be organized in "cube" like structure thus providing rows and columns; col.6, lines 1-17; which begins to talk about the fractal dimension of items presented to the user for navigation of the system); labeling said one of hierarchical columns and hierarchical rows with an indication of said at least one common feature (col.6, line 32; text

Art Unit: 2179

representation of items; Uthe also depicts in figure 5 the user of text with the icon for explanation of what the icon represents)). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Kanevsky into the teachings of Uthe to create the organizational structure as described above, this is true because Kanevsky's invention teaches the method and apparatus for generating graphical user interfaces for a variety of browser applications that organize icons, text, windows, etc into any arrangement best fit by the end user or manufacture default setting therein (col.3, lines 39-43), thus presenting an immediate relation to the teachings of Uthe's organization of icons/nodes of a hierarchy that show the relation of resources of a hierarchy, the end result is having a system that the user navigates through an organized structure that dynamically changes throughout time by certain criteria in the system featuring overlapping separate hierarchies presented in the same graphical manner/style.

As for dependent claims 19-22, Uthe teaches the method of claim 18, wherein the graphic is mosaic-like (figure 1); wherein each of the first, second and third resources is represented as an iconic element of the mosaic-like graphic (par.20; figure 2). Uthe does not specifically go into detail to explain what the exact nodes represent other than what is commonly known in the art in hierarchical systems, however in the same field of endeavor Kanevsky teaches wherein the first one of said separate but overlapping hierarchies represents physical storage resources of a storage system (col.1, lines 19-24; wherein the nodes/icons presented represent a wide selection of information

Art Unit: 2179

including data storage as suggested; col.4, lines 28-30), and the second one of said separate but overlapping hierarchies represents logical storage resources of the storage system; wherein the second direction is opposite to the first direction (col.5, lines 2-6; col.6, line 5) . It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Kanevsky into the teachings of Uthe to create the organizational structure as described above, this is true because Kanevsky's invention teaches the method and apparatus for generating graphical user interfaces for a variety of browser applications that organize icons, text, windows, etc into any arrangement best fit by the end user or manufacture default setting therein (col.3, lines 39-43), thus presenting an immediate relation to the teachings of Uthe's organization of icons/nodes of a hierarchy that show the relation of resources of a hierarchy, the end result is having a system that the user navigates through an organized structure that dynamically changes throughout time by certain criteria in the system featuring overlapping separate hierarchies presented in the same graphical manner/style.

(Note :) It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006,1009, 158 USPQ 275, 277 (CCPA 1968)).

Response to Arguments

Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Inquires

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Augustine whose telephone number is 571-270-1056. The examiner can normally be reached on Monday - Friday: 7:30- 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nicholas Augustine/
Examiner
AU: 2179

Application/Control Number: 10/647,210
Art Unit: 2179

Page 11

April 26, 2008

/Ba Huynh/
Primary Examiner, Art Unit 2179

/Weilun Lo/
Supervisory Patent Examiner, Art Unit 2179